IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Writ Petition No.1533 of 2004

Fight for Right of Bar Owner Association
through Manjit Singh Sethi ..Petitioner

Versus

Commissioner of Police
& Others ..Respondent

Shri Junaid Shawnay for the petitioner
Shri V.C.Gupte alongwith Smt. Aruna Pai, APP for the state

with

Criminal Writ Petition No.856 of 2004

Pervez K. Raisi ..Petitioner

versus

The Commissioner of Police,
Mumbai & Others ..Respondents

Mrs. Veena Thadani i/b. Vishal B. Thadani for the Petitioner

Smt. Aruna S.Pai, APP for the State.

with

Criminal Writ Petition No.857 of 2004

Sayyadi Murtza ..Petitioner

versus

The Commissioner of Police,
Mumbai & Others ..Respondents

Mrs. Veena Thadani i/b. Vishal B. Thadani for the Petitioner

Smt. Aruna S.Pai, APP for the State.

with

Criminal Writ Petition No.1096 of 2004

Anand D. Gaikwad ..Petitioner

versus

The Commissioner of Police,
Mumbai & Others ..Respondents

Mrs. Veena Thadani i/b. Vishal B. Thadani for the Petitioner

Smt. Aruna S.Pai, APP for the State.

with

Criminal Writ Petition No.1097 of 2004

Prakash Gopal Shetty ..Petitioner

versus

The Commissioner of Police,
Mumbai & Others ..Respondents

Mrs. Veena Thadani i/b. Vishal B. Thadani for the Petitioner

Smt. Aruna S.Pai, APP for the State.

CORAM: S.B.MHASE &
S.R.SATHE, JJ.

DATE : 23rd August, 2005

P.C.

1. Heard Smt.Thadani,& Shri Shawney, learned Counsel for the petitioner and Mr.V.C.Gupte & Smt. Aruna Pai, APP for the State. These matters were filed prior to the enactment of the Bombay Police Amendment Act, 2005. In view of the said amendment Act being brought into force with effect from 14.8.2005 the

present petition does not survive. However, it is equally brought to our notice that the petition challenging the Constitutional Vires of the said Amendment Act is pending and it bears (Original Side) Writ Petition (L) No.2027 of 2005. Therefore, the learned Counsel made a prayer that presently this matter may be disposed of as infructuous. However, the learned Counsel claims leave that in case the Writ Petition (L) No.2027 of 2005 is allowed, liberty be granted to file fresh petition on the same cause of action.

2. The learned Counsel for the state has no objection for granting such leave. Therefore, in view of the enactment of the Bombay Police Amendment act, 2005 the petition is disposed off as infructuous with a liberty to file fresh petition, if the Writ Petition (L) No.2027 of 2005 is allowed and the said Act is struck down.

3. Rule is discharged.

(S.R.Sathe, J.) (S.B.Mhase, J.)